REMARKS

The Office examined claims 1-4, 6-11, 13-14 and 16-20, and all claims are rejected. With this response claims 1, 11, 13-14, 17 and 19 are amended. The amendments are supported by at least page 18, line 9—page 20, line 5 of the specification as originally filed. Applicant respectfully requests reconsideration and withdrawal of the rejections in view of the amendments and following discussion.

Claim Rejections Under § 101

In section 4, on page 2 of the Office Action, claims 1-3, 6-10, 14 and 16 are rejected under 35 U.S.C. § 101 because the claims fail the practical application test. The Office asserts that the rejected claims recite data transformations per se with no tangible result.

Applicant would like to thank Examiner Franklin for his helpful comments during the telephone interview of April 3, 2007. Applicant also acknowledges receipt of the Interview Summary dated April 12, 2007. The telephonic interview discussed the rejection of claims 1-3, 6-10, 14 and 16 under 35 U.S.C. § 101. During the telephonic interview Examiner Franklin agreed that amending the independent claims to recite "using said combined information for selecting a time of access to at least two peripheral devices," would overcome the § 101 rejection for failure to recite a tangible result. With this response the independent claims are amended to recite "using said combined information for selecting a time of access," as agreed by Examiner Franklin. However, applicant would like to further amend the independent claims to recite "using said combined information for selecting a time of access to *at least one of said* at least two peripheral devices." It is respectfully submitted that this amendment does not differ from the amendment agreed to by Examiner Franklin, because a tangible result is still achieved, since it is irrelevant for § 101 purposes whether the combined information is used to select a time of access to one peripheral device or at least two peripheral devices. Therefore, applicant respectfully submits that the claims as amended are statutory.

Claim Rejections Under § 102

In section 5, on page 3 of the Office Action, claims 1-3, 11, 13-14 and 17-20 are rejected under 35 U.S.C. § 102(e) as anticipated by Pacheco et al. (U.S. Appl. Publ. No. 2003/0212857).

Applicant respectfully submits that claim 1 is not disclosed or suggested by Pacheco, because Pacheco fails to disclose or suggest all of the limitations recited in claim 1. Pacheco at least fails to disclose or suggest electrically combining information from each of at least two peripheral devices, as recited in claim 1. Claim 1 is amended to further distinguish the patentable subject matter from Pacheco by reciting selecting a time of access to at least one of said at least two peripheral devices after completion of an initilization. Therefore, for at least these reasons claim 1 is not disclosed or suggested by Pacheco.

Pacheco relates to adaptively implementing a disk drive start up sequence for a disk drive array. Prior to a disk drive spin-up sequence a currently available power supply resource capacity and a startup metric of each of the array disk drives are determined. The activation sequence timing schedule determines the relative times at which spindle motors for each of said plurality of disk drives will be activated as a function of the determined startup metric for each of the disk drives and the available power supply resource capacity as reduced by the steady state power requirements of each of the startup groups. See Pacheco Abstract.

In Pacheco, power parameter pages store disk drive operating metrics. See Pacheco paragraph [0033]. Figure 5B illustrates an exemplary data format of a power parameter page 550, which is stored in association with each of the disk drive units. As shown in Figure 5B, power parameter page 550 includes start time fields specifying the maximum and typical spin-up times for the spindle motor of the object drive. See Pacheco paragraph [0034]. The power parameter pages within each of the disk drives may be stored in a dedicated and write protected segment of the disk storage medium on the respective disk drive. In the alternative, the power parameter pages may be stored in non-volatile memory of the local disk drive controller for each of the respective drives. See Pacheco paragraph [0035].

A disk drive spin-up sequence schedule is adaptively determined prior to each power-on sequence of server system 200. See Pacheco paragraph [0039]. The disk drives are polled by RAID adapter 212 to retrieve a vital product data response for the most recently polled drive. RAID adapter 212 may issue SCSI INQUIRY commands, such as that depicted in Figure 5A, in order to retrieve the disk drive operating metrics during the polling process. See Pacheco paragraph [0040]. An activation sequence timing schedule program operates with processing functionality in RAID adapter 106 to determine three disk drive startup groups in activation

sequence timing schedule 800. Activation sequence timing schedule 800 further includes the relative times at which each of three startup groups will be started. As depicted in Figure 8A, these startup times are immediately preceding startup group. See Pacheco paragraph [0049].

Applicant respectfully submits that claim 1 is not disclosed or suggested by Pacheco, because Pacheco fails to disclose electrically combining information from each of at least two peripheral devices. The bus mentioned in Pacheco does not electrically combine information, but instead is only used for retrieving information. The activation sequence is then determined by an activation sequence timing schedule program. See Pacheco paragraph [0049]. Therefore, for at least this reason claim 1 is not disclosed or suggested by Pacheco.

Furthermore, claim 1 is amended to recite that the combined information is used to select a time of access to at least one of the peripheral devices after completion of an initialization. In contrast to claim 1, Pacheco is directed to activating, i.e. initializing, different disk drive units in suitable sequence. See Pacheco paragraph [0038] (determine an implement a disk drive spin-up schedule for the next power-on cycle). The time of access recited in claim 1 refers to the time for accessing the peripheral devices after the peripheral devices have already been initialized. Accessing a device after it has been initialized is not the equivalent of activating disk drive units during a power-on cycle. In Pacheco, the disk drive units have not been activated, which is in contrast to claim 1 where the initialization of the peripheral devices has been completed. In contrast to claim 1, the stored spin-up times are used for determining the best start of an activation of multiple disk drive units. Therefore, Pacheco fails to disclose or suggest selecting a time of access to at least one of the peripheral devices after completion of an initialization, as recited in claim 1.

Independent claims 11, 13, 14, 17 and 19 are amended to include limitations similar to those recited in amended claim 1, and therefore are patentable over the cited references for at least the reasons discussed above in relation to claim 1.

Claims 2-3, 18 and 20 ultimately depend from an independent claim, and are patentable over the cited references at least in view of their dependencies.

Claim Rejections Under § 103

In section 6, on page 8 of the Office Action claim 4 is rejected under 35 U.S.C. § 103(a) as unpatentable over Pacheco in view of Crittenden (U.S. Patent No. 5,566,351). Claim 4 depends from independent claim 1, and is patentable over the cited references at least in view of its dependency.

In section 7, on page 9 of the Office Action, claim 6 is rejected under 35 U.S.C. § 103(a) as unpatentable over Pacheco in view of Masui (U.S. Patent No. 6,964,018). Claim 6 depends from independent claim 1, and is patentable over the cited references at least in view of its dependency.

In section 8, on page 9 of the Office Action, claims 7-10 are rejected under 35 U.S.C. § 103(a) as unpatentable over Pacheco in view of Masui, and in further view The MultiMediaCard System Specification Version 3.31 by the MMCA Technical Committee. Claims 7-10 ultimately depend from independent claim 1, and are patentable over the cited references at least in view of their dependencies.

In section 9, on page 10 of the Office Action, claim 16[1] is rejected under 35 U.S.C. § 103(a) as unpatentable over Pacheco in view of Vander Kamp (U.S. Patent No. 6,233,625). Claim 16 depends from independent claim 1, and is patentable over the cited references at least in view of its dependency.

Conclusion

The objections and rejections of the Office Action having been obviated by amendment or shown to be inapplicable, applicant respectfully requests withdrawal thereof. The Commissioner is hereby authorized to charge deposit account 23-0442 for any fee deficiencies required to submit this response.

Respectfully submitted,

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[1] The Office refers to both claims 14 and 16 in section 9 of the Office Action, however the limitations mentioned in section 9 are those of claim 16. Therefore, the rejection in section 9 will be treated with respect to claim 16.